

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 10: Adoption	Effective Date: TBD
	Section X: Background Checks for Private Adoptions and Adoptions of DCS Wards	Version: 1

POLICY	OLD POLICY: N/A
--------	-----------------

1. The Indiana Department of Child Services (DCS) will complete Background Checks on all persons who reside in a **prospective adoptive household**:
 - a. As part of the household's home study (see Chapter 10, Adoption); **and**
 - b. Prior to the written approval for the child's placement in a pre-adoptive home if the child is not already in the home and if 12 months have elapsed since the home study; **and** Upon making a decision to change the child's placement status from "foster care" to "adoption," if 12 months have elapsed since placement or home study; **and**
 - c. Prior to the court's finalization of the adoption, if 12 months have elapsed since placement or home study.
2. For persons aged 14 and older¹, a "background check" will consist of the following criminal (or juvenile) and civil history checks:
 - a. Fingerprint-Based National Criminal History (including Indiana State Juvenile History)
 - i. EXCEPTION: DCS will not require Fingerprint-Based National Criminal History Checks on private adoptions where the petitioner is a grandparent, step-parent, aunt or uncle.
 - b. Indiana State Limited Criminal History
 - c. Sex and Violent Offender Registry
 - d. Child Protective Services History
 - e. Local Police and Sheriff Records
3. For persons aged 0 through 13 years, a background check will consist of a search of Child Protective Services records.
4. The adoptive family is responsible for payment of the fingerprinting processing fees for Background Checks. Note: *The fingerprint processing fees may be reimbursed (See separate policy, [2.X Non-Recurring Adoption Expenses](#)).*
5. DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws as outlined in separate policy, [2.X Confidentiality of Background Check Data](#).

Code References

- [IC 31-19-11-1 Decree; affidavit; felony convictions](#)
- [IC 31-19-7-1 Prior written approval of placements; criminal history checks](#)
- [IC 31-9-2-22.5 "Conduct a criminal history check"](#)
- [IC 31-19-2-7.5 Submission of information, forms, or consents for criminal history check](#)

See related policies, [10.X Evaluating Background Checks for Pre-Adoptive Placements and Home Studies](#) and [10.X Evaluating Background Checks for Adoption Finalizations](#).

¹ This excludes the child being adopted. Background Checks are not completed on children who are being adopted.

PROCEDURE

For background checks for children under the care and supervision of the juvenile court or DCS (including pre-adoptive placements, home studies, change of placement status from “foster care” to “adoption” and adoption finalizations)

The local DCS adoption worker or LCPA will:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing any available valid, government-issued identification documents; i.e., social security cards, birth certificates, photo identification cards, driver licenses. See separate policy, [2.X Verifying Identity](#), for additional information.
2. Check all individuals in the home, regardless of age, for previous Child Protective Services (CPS) history. Note: LCPAs do not have access to the Central Client Index (CCI) to run this check, therefore, the LCPA will submit a request to the local DCS office to run the check using the form Request for a CPS Abuse and Neglect Check.
3. Complete the following required criminal and civil history checks for all persons 14 and older living in the home (see separate document, [2.X Tool: Background Checks](#), for details):
 - a. Complete an Indiana State Limited Criminal History Check.
 - b. Complete a search of the Sex and Violent Offender Registry for Indiana and for every state where the individual is known to have resided for the past 10 years.
 - c. Complete a search of CPS records for **all other states** in which each individual living in the home, regardless of age, is known to have resided.
 - d. Complete a local law enforcement agency check (local police and/or sheriff records) for every county/state the individual is known to have resided for the past 5 years.
4. Evaluate the results of the CPS history search. See appropriate policy, [10.X Evaluating Background Checks for Pre-Adoptive Placements and Home Studies](#) or [10.X Evaluating Background Checks for Adoption Finalizations](#).
5. If the evaluation thus far did not result in a denial, prepare the family for fingerprinting by explaining the process. See “Preparing the Family for Fingerprinting” in separate document, [2.X Tool: Fingerprinting](#) for details.
6. Complete the sections that must be completed by DCS and assist the family with completing the remaining information on the following forms: [Information Concerning Background Checks for Foster/Adoptive Households](#), [Primary Foster/Adoptive Applicant and Household Member/Employee/Volunteer](#). See separate document, [2.X Tool: Fingerprinting](#) for details.
7. Make one copy of all completed forms for the applicant and retain originals for DCS records.
8. When the applicant returns all completed fingerprint cards, forms and payment, document receipt before forwarding to DCS central office. See [2.X Tool: Fingerprinting](#) for details.
9. Evaluate the reports once the results from the National Criminal History checks have been received and notify the applicant of the final determination. Follow the procedures contained in the appropriate policy, [10.X Evaluating Background Checks for Pre-Adoptive Placements and Home Studies](#) or [10.X Evaluating Background Checks for Adoption Finalizations](#). *Note: If the applicants are working through an LCPA, this step will be completed by the background checks unit at DCS central office.*
10. At the appropriate time, submit the results of the background checks to the court.

If the prospective adoptive household passes the background check evaluation, the DCS local adoption worker or LPCA personnel will complete the appropriate next steps. See Chapter 10, Adoption, for next steps depending upon whether the applicant is at the pre-adoptive placement stage, home study stage, placement status change stage, or adoption finalization stage.

For adoption finalizations of children NOT under the care and supervision of the juvenile court or DCS

The local DCS adoption worker will:

1. Complete Steps 6 - 9, under Procedure, page 2, to initiate a Fingerprint-Based National Criminal History Check.
2. Complete the agencies Report and Recommendation Summary and submit the summary to the court within 60 days of the petition date, if DCS is responsible for completing the summary. See separate policy, [10.X Adoption Preparation](#).. *Note: DCS must make a recommendation on the suitability of the home but will defer to the court to evaluate the criminal history findings.*

For background checks for home studies for private adoption agencies, for children NOT under the care and supervision of the juvenile court or DCS

The private agency will run its own background checks using the National Child Protective Act Check. A copy of the results go directly to the LPCA. DCS is not involved in the background check process.

PRACTICE GUIDANCE

FORMS AND TOOLS

FORMS

- [Information Concerning Background Checks for Foster/Adoptive Households](#)
- [Primary Foster/Adoptive Applicant and Household Member/Employee/Volunteer](#)
- [Additional Household Member \(Employee, Volunteer Form For Foster, Adoption Background Checks\)](#)
- [Tracking National Criminal History and Juvenile History Reports](#)
- [Request for a CPS Abuse and Neglect Check](#)

TOOLS

- [2.X Tool: Fingerprinting](#)
- [2.X Tool: Background Checks](#)

RELATED INFORMATION

Fingerprinting and National Criminal History (and Indiana State Juvenile History) Reports

For all issues regarding fingerprinting (preparing for fingerprinting, where to go to get fingerprinted, processing of fingerprint cards, ordering blank fingerprint cards, etc., see separate document, [2.X Tool: Fingerprinting](#).

All Other Background Check Reports

- For helpful information regarding all other background checks (Indiana State Limited Criminal History, CPS history, etc.) see separate document, [2.X Tool: Background Checks](#)

Notification of Criminal Charges While Adoption Pending

According to [IC 31-19-2-7.6](#), an adoption petitioner must notify the court in writing if, while an adoption is pending, the petitioner is charged with a felony; or a misdemeanor relating to the health and safety of children.